

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**PERRY E. OLIVER**

Claimant

VS.

**CESSNA AIRCRAFT COMPANY**

Respondent

Self-Insured

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Docket No. 214,967

**ORDER**

Claimant appealed the preliminary hearing Order of Administrative Law Judge Jon L. Frobish dated September 22, 1998.

**ISSUE**

The ALJ denied claimant's request for psychological treatment. Claimant appealed, alleging the Administrative Law Judge's Order is inadequate in that claimant's request for psychological treatment was denied notwithstanding the fact that a medical report was admitted into evidence which related claimant's psychological problems to a work-related low back injury.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the preliminary hearing record, the Appeals Board finds as follows:

Appeals from preliminary hearings are limited by K.S.A. 1997 Supp. 44-534a to specific jurisdictional issues regarding whether the claimant suffered an accidental injury, whether the injury arose out of and in the course of employment, whether notice is given or claim timely made, or whether certain defenses apply. The Appeals Board has held in the past that the issue dealing with whether or not a claimant's need for psychological treatment stems from the accidental injury is an issue dealing with the nature and extent of the injury rather than accidental injury arising out of and in the course of employment.

See Love v. AIFAM Enterprises, Inc., Docket No. 190,944 (Sept. 1996). Accordingly, the Appeals Board finds the claimant's entitlement to psychological treatment is not an issue which can be considered by the Appeals Board from an appeal of a preliminary hearing order. Thus, the Appeals Board finds for preliminary hearing purposes the appeal by claimant should be dismissed.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the appeal of the claimant should be, and is hereby, dismissed and the order of Administrative Law Judge Jon L. Frobish dated September 22, 1998, remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October 1998.

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BOARD MEMBER

c: Stephen Jones, Wichita, KS  
Edward D. Heath, Jr., Wichita, KS  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Director